

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|----------------------------|---|--------------|
| KATHERINE ELIZABETH NEIMER | : | CIVIL ACTION |
| | : | |
| Plaintiff | : | |
| | : | |
| v. | : | |
| | : | |
| LANCASTER SCHOOL DISTRICT, | : | |
| et al. | : | NO. 02-4034 |
| | : | NO. 03-5922 |
| Defendants | : | |
| | : | |

O R D E R

AND NOW, this day of February, 2004, upon
Consideration of Defendant Alvarez's Motion to Dismiss (Doc. 82)
and Plaintiff's Response, it is hereby ORDERED that Defendant's
Motion is DENIED. Although the Court recognizes its discretion
to dismiss Plaintiff's action without prejudice, the interests of
justice and judicial economy require that the above-captioned
case proceed in this Court.

AND IT IS SO ORDERED.

Clarence C. Newcomer, S.J.